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No.

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JOSEPH F. SPANIOL, JR.
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IN THE

Supreme Court of the United States

OCTOBER TERM 1987

LOUELLA F. BENSON,
Petitioner,

v.

Glenn A. Ally, PhD
E.J.Faul
Faul Energy Company
Nellie C. Faul
Almee Melody Faul
Grace Izena Kidder
Melvin Kidder
Lois F. Bearb, individually
Lois F. Bearb, as
executrix of the state of Forest Bearb
Malcolm Bearb
Leslie Faul
William C. Gibson,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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QUESTIONS PRESENTED

1. Whether or not the Court erred by granting Court order to defendants not to answer first set of interrogatories of April 19, 1986, including only set to Dr. Ally, in view of letter to Clerk and opposing counsel of May 6, 1986. A. 80.

2. Was not the letter to counsel for first set of interrogatories adequate in view of opposing counsel having misrepresented and distorted what this pro se petitioner had said during phone settlement conference to try to make her fit long-distance label? (First sets unanswered 152-59, 138-40.

3. Whether or not Court erred in ignoring the fact that all other interrogatories to respondents are not protected by Court order (see A 87 through A 105), and certified letters sent to counsel (A 76 through A 86)*, and petitioner even called his office once and left word to remind him to have his clients answer? (*also A 138-140)

4. Can false secret crime be used and covered up for years to justify treatments on a person who has objective scientific facts showing she never needed treatments and does not have mental problems and objects to any treatments?

5. Did the Court err in granting Ally Summary judgment in view of:

—he does not know petitioner who lives in Virginia.

—he ignored all required clinical procedures before making long-distance label — hypothesis which was used by defendants and represented to the Court who ruled on cases as the real thing, and in view of government using such hypothesis, unwarranted treatments, overtreatments, public policy cited in support of summary judgment.

*See A 15. Motion to compel denied by Judge on 10/8/86. See A 82 certified letter to Brandt on 8/14/86.

—he represented the unsworn statements as sworn on March 6, 1985 report and this was ignored by the Court who allowed him to "fix-it" after he was sued. (see March 6, 1985 report in record.)

—he described petitioner's speech on report on the day after Court ordered private and confidential settlement conference over the phone.

—he refused to answer any interrogatories, including re what he knew of the private and confidential phone settlement conference or if he had been given copies of her pleadings, affidavits.

—he had nothing from petitioner and did not ask for any objective facts prior to writing report.

—he did not inquire as to motives or problems of defendants as applicable or what use would be made of such report which he wrote for a lawyer defending estate and civil rights suits.

6. Since counsel, an officer of the Court, wrote to Court that Ally said petitioner suffered from the mental problems and would assert same (and without copying her until after she walked in Clerk's office and read it), and in view of the requirements of APA (DSM) personal knowledge of the person, 6 months waiting period, testing, did not the Court err in granting summary judgment and denying all discovery?

7. Can the respondents who petitioner has been many miles from in a different state for many years, and their paid psychologist who does not know her, ignore her martial rights (see her husband's affidavit, A 121-2), ignore privacy rights and induce criminal unwarranted treatments for her with false secret crimes, secret processes in the name of public policy and in view of their motives to obtain her property and ad-

diction problems of some of respondents as described in record?

8. Instead of Summary Judgment, should not the Fifth Circuit have reversed as to Ally also and enjoined him out of this pro se petitioner's life and prohibit him from using his authority for treatments or for anything re this petitioner since he does not know her, she never sought his services, *he represented unsworn statements as sworn, etc.* and was paid by the opposition to circumvent due process after the Court had already denied counsel's first frivolous motion supported by his affidavits.

9. Did not Ally have a responsibility to ask questions to Counsel, e.g.. what his report would be used for and ask to see the pleadings in view of the things which flow from such a label?

10. Should not the Summary Judgemnt granted Faul Energy be reversed since opposition represented to Court that E.J. Faul only had a few shares of stock in Faul Energy for Summary Judgment and after Summary Judgment, E.J. Faul admitted under oath he owned Faul Energy as late as 1984 and during Faul Est. problems when he sued her in 1983 and denied discovery as he did in subject case. See interrogatories E.J. Faul refused to answer A 87-89, A 103-05 and A 155-57. Also pg. 227 of E.J. Faul's testimony of Aug. 3, 19987 in related case CV84-2541, A 29.

11. Since subject cases derived from related cases, did not the Court err in granting summary judgment, default judgment without hearings or discovery in subject cases before due process in other cases, and especially in view of secret misrepresentations filed in March 1986 without copying her and which very much bears on subject case?

12. After petitioner learned of the secret misrepresentations filed in both related cases in 1987 after counsel filed supplement of fact and law which clued her in CV84-2541, did not the Fifth Circuit err in not letting her supplement the record in related or subject cases since defendants were clearly trying to obtain her property from secret filings, serious misrepresentations in secret filings, and in view of their having told the Court her complaints were all in her mind and hired Ally to assert to same and denied procedural due process to cover-up their actions.

13. Did not Judge Walters and Fifth Circuit err in ignoring prior frivolous motions filed by counsel, his misrepresentations in writing to try to make petitioner fit long distance label after court ordered settlement conference, he and E.J. Faul having ignored prior Court orders denying mental evaluations and warning to *all parties* of sanctions etc. in the future for such harassment for mental evaluations.

14. Did not Judge Walters (and the Fifth Circuit) show undue discrimination by his accepting Counsel's communications but returning petitioner's rebuttals with order not to communicate with him while counsel was allowed to continue and Judge signed order denying her motion to reconsider as to mental evaluation when he received counsel's letter with attachments. Counsel refused to answer interrogatories asking if he had talked with the Judge, etc.

15. Did not Judge Walters err in representing the other Court's order for a settlement conference as being for a psychological evaluation in other cases when her pleadings in subject case said the opposite and he had been informed in writing that the other Courts had denied motions for mental evaluations, warned all parties, etc. fines, and did he not err in refusing to correct order of May 9, 1986 with above and other misstatements as to her pleadings including his refer-

ring to statements as affidavits when Ally wrote report on 3/6/85 and affidavits not sworn until 3/20/86 as shown in record and did not the Fifth Circuit err in ignoring all this.

16. Did not the Court err in ignoring the requirements of FRCP that affidavits be sworn and not in bad faith and from personal first-hand knowledge, without misrepresentations.

17. Did not the Court err in ignoring the fact that the other Courts had rejected the affidavits Judge Walters accepted for summary and default judgments.

18. Did not the Court err in ignoring the fact that petitioner had been denied affidavits years ago and too that her lawyers had been denied affidavits years ago when she tried to pursue her rights but that respondents were using all this and *ignoring her constitutional rights* in 1985 in efforts to obtain her property, and "affidavits" were never subjected to cross. Proof in record of denials years ago.

19. Since Judge Walters had no affidavits or statement in support of E.J. Faul's motion for mental evaluation was not this petitioner treated differently and with undue discrimination since Dep. Bearb's frivolous counterclaim would definitely have required mental and physical evaluation in very related cases, and another Judge in Western Dist. protected Dep. Bearb inspite of motion and affidavit pending for months before him, reminders, but did not evaluate Bearb inspite of the fact that his pleadings would have definitely required same.

20. In view of E.J. Faul's prior "plans", his threats during estate matters that he knew a doctor in Lafayette who would help him put petitioner in an institution if she went to Lafayette, his suing her in 1983 after his provable plans A 125, 127, the "No Bids-threats" A 129, objective scientific facts offered and presented to the Court before the ruling, and that

the other Courts had denied defendants, fined them and warned all parties of sanctions (which included E.J. Faul and his counsel because they had submitted affidavits in those cases), E.J. Faul's addiction problems having been treated at Raleigh Hills in Lafayette for alcohol addictions and having been jailed for making serious threats to his second ex-wife, petitioner having pleaded that she could prove their fraudulent scheme to take unfair advantage of her in business deal, and that they were discrediting her to deny her due process, and that she was not placing her health in controversy, did not the Court err in granting E.J.Faul's motion for mental evaluation?

21. Did not the Court err in granting E.J. Faul's motion since she informed the Court that E.J. Faul was ignoring prior Court orders and wanted mental evaluation to cover-up their prior abuses and deny due process and justify criminal treatments after he knew that the proper professionals had verified that she did not need the treatments and does not have the problems.

22. Should not mental evaluation come before treatments to assure the right treatments instead of after many years of secret processes with false secret crimes by respondents who refused to answer any questions and are being protected by the Court without regard for their motives or problems.

23. Did not the Court err in ignoring her motion to evaluate E.J. Faul in view of his addiction and institutionalizations in Louisiana and his refusing to answer any questions when Dep. Bearb said E.J. Faul was trying to put petitioner in an institution in Louisiana in 1985, his prior plans to take over property and his ongoing abuses?

24. Did not the Court err in saying record in this case itself indicates need for mental evaluation without copying her with the reasons why, and allowing her an opportunity to be heard and rebut, and not allowing her to supplement record to rebut

secret misrepresentations prior to rulings adverse to her in cases in which subject case derived from; Courts ignoring motions to evaluate Bearb in view of frivolous counter-claim, ignoring motions to evaluate E.J. Faul who she was told was jailed in La. for making violent threats, and not evaluating Leslie Faul who threatened her with a posthole digger, plus prior denials of affidavits, etc. Is not the State of La. protecting its citizens no matter what while showing undue discrimination against a woman with objective scientific facts proving she does not have the problems. Other court in Western District had already admitted damages to her reputation.

25. Cannot a hypothesis be proved false and should petitioner be made to live with the taint of a false long-distance hypothesis when proper evaluations and testings proved that she does not have the mental problem and does not need treatments?

26. Does not the Court have statutory obligations to take a pro se person seriously without undue discrimination and represent what she pleaded as opposed to distortions which protects the professionals and denying all discovery and does not the Federal code and past law assure a pro se person those rights. Were not her rights violated in those areas?

27. Did not the Western District err and show undue discrimination since Dep. Bearb denied all discovery for his frivolous counter claim, court did not evaluate him for mental or physical examinations but protected him inspite of his pleadings definitely requiring same, his counsel advised client in writing not to release records but petitioner's motion to dismiss counter-claim was denied, A ~~210~~ 209, and only became moot because he got summary judgment with full prejudice to her rights and at her cost, but in subject cases the Court granted motion for mental evaluation inspite of prior Court orders denying same, warnings to all parties, etc. and peti-

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tioner was denied all discovery but respondents got summary and default judgments with full prejudice to her rights and at her cost while she still did not know of their secret filings and the Fifth Circuit did not let her supplement when she found out to rebut misrepresentations which very much affected subject cases also. See A-12.

28. As to the documents, attachments to filings in related cases still not made available to petitioner, and reasons why the Court said there were reasons for mental evaluation in subject case without giving her a chance to respond and to be copied, including with any protective orders should that be the case, and with the government's secret brief, is not the Court closing its ears to this petitioner's procedural and due process rights while protecting the respondents from answering the crucial interrogatories?

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LOUELLA F. BENSON
Petitioner,

v.

GLENN A. ALLY, PhD, Et Al
Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

TO: The Honorable Chief Justice of the United States and The Honorable Associate Justices of the Supreme Court of the United States.

The petitioner respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit entered on August 27, 1987, and the Petition for Rehearing entered on September 23, 1987, that affirmed in part and reversed in part the judgments entered against the petitioner in the United States District Court for the Western District of Louisiana, (Lafayette-Opelousas Section L), No. CV-86-0489.

OPINIONS BELOW

The opinion of the Court of Appeals (reprinted in the Appendix at A affirmed in part and reversed in part. The opinion of the Court of Appeals for the Fifth Circuit reviews the District Court opinions and denials reprinted in the Appendix at A. 1 through A 35 and A-57.

JURISDICTION

The Judgments of the Court of Appeals for the Fifth Circuit were entered on August 27, 1987 and the Petition for Rehearing was enterd on September 23, 1987. This Petition for Certiorari was filed within ninety (90) days of that date. This Court's jurisdiction is invoked pursuant to 28 U.S.C. I 1254(1).

CONSTITUTIONAL PROVISIONS, STATUTES AND REGULATIONS INVOLVED

Fourteenth Amendment to the United States Constitution, Section I:

SECTION I. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Fifth Amendment to the United States Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of indictment of a grand jury, except . . . . nor be deprived of life, liberty,

or property, without due process of law; nor shall private property be taken for public use without just compensation.

Fourth Amendment to the United States Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Eighth Amendment to the United States Constitution:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Thirteenth Amendment to the United States Constitution, Section I:

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The Virginia State Constitution
The Louisiana State Constitution and Code, including but not limited to 2313
La. R.S. Medical Malpractice Review Panel
Privacy Act
Rehabilitation Act of 1973 (Section 504)
Federal Rules of Appellate Procedure
Federal Rules of Civil Procedure

(Factual)
STATEMENT OF THE CASE

In brief these cases derived from E.J. Faul, et al vs. Louella F. Benson 89, 191-B, 1983, her brother sued her for partition for licitation in the family estate and efforts to deny petitioner her rights to bid on the improvements of her deceased parents (A 125, 127, 129), 2) from Louella F. Benson vs. Deputy Forest Bearb et al, CV84-2540, (Petitioner sued her brother-in-law, after he trespassed on her property outside his jurisdiction into St. Landry Parish and falsely accused her of having committed forgery, (and other false verbal abuse) and that they were working on it and would nail her, and he added as to her property which he and his wife and petitioner's brother were trying to obtain, "you cannot take it with" after he knew of petitioner's heart injury since 1977), and 3) Louella F. Benson vs. Lois F. Bearb and Leslie Faul, CV84-2541, 1984, (a suit for breach of contract, alterations of drainages flooding petitioner's property, access problems, fiduciary violations as executor of Faul estate, general damages). In 1981, when E.J. Faul wrote plan letter, A-125, he told her Lafayette doctor would help him railroad her.

After the petitioner was given supplement proposal agreement of 11/21/83 to 10/12/83 proposal agreement, she accepted both agreements, took economic losses in view of same and signed the family partition, Deputy Bearb and his wife, Lois F. Bearb ignored the agreements, destroyed the Faul limestone road upon which petitioner had been assured full access and covered up the drainages — both public and private drainages — to the detriment of petitioner's property, and proceeded to use past abuses to try to obtain petitioner's property while his wife, Lois F. Bearb, and executor, Leslie Faul gave petitioner deeds they wanted her to turn down after petitioner had paid $20,000 for the land where improvements are and $18,800 for the improvements and all with proper consent of defendant respondents and concerned heirs. Ob-

structions of drainages amounts to taking of private property for public use.) Three heirs rejected their plans, along with petitioner. Misrepresentations by Faul, A 128-29.

After petitioner was not able to get apologies nor corrections and she filed above mentioned suits, instead of addressing complaints and answering interrogatories, the defendants delayed and filed motions to have her mentally evaluated based on the affidavits of their attorney, Charles Brandt, who had never seen nor spoken with petitioner, and petitioner's first counsel told her that Mr. Brandt had told him that petitioner was a "mad woman" when he was trying to get copies of affidavits in support of motion for evaluation. Shortly afterward petitioner took over pro se, and counsel for opposition's motion for mental evaluation was denied as shown by the Court order at A 43-4, of Jan. 1985 by Magistrate Mildred Methvin. Unlike Judge Walters represented at A 16, Court denied mental evaluations.

While petitioner was waiting for answers to interrogatories and had answered most interrogatories to her, the opposition in related cases which subject cases derived from filed a "Renewed Motion for Mental Evaluation based on a "report" by Respondent, psychologist Glenn A. Ally, hired by the opposition in Lafayette, La. and who has never seen petitioner, in which he made a long-distance label (hypothesis) of schizophrenic-paranoid based on what he represented as "sworn statements" but which for the most part were not sworn to before about two weeks after his report and were designed to fit the hypothesis. Respondent Ally also described petitioner's speech in report, although he has never seen nor spoken with her. Petitioner, pro se, filed her opposition with her rebuttal affidavits and as shown at A 41-2, the Court rejected their "affidavits" and report and denied their motion, fined the opposition and warned all parties of sanction in future, that Federal Court was not the place for unchecked harassment by embittered relatives. (Counsel for opposition

had not listed the estate of Forest Bearb in his first responses as to the clients he was representing in subject case.) See A 35, Court *ordered phone settlements conference only.*

Counsel for the opposition proceeded to file an appeal for a Non-dispositive Matter for mental evaluation before the Federal Judge and with which he did not copy the petitioner before after she happened to walk into the Clerk's office in Shreveport, La. and read his filing which did not show any indication or certification that petitioner had been copied, and in which he told the Judge who was to rule on both cases that her complaints were due to "her mental disease or defect that she was suffering from". A 134 is final page of opposition's secret filing to verify that she had not been copied. After petitioner was able to obtain a copy of their filing and responded A 39-40 shows that the respondents were again turned down and the magistrate's rulings were upheld by the Federal Judge.

On March 6, and 14, 1986 (later amended on May 27,1986, upon opposition's request and delay), petitioner filed subject sutis (CV-86-0489) in the Western District Opelousas, and which were promptly served upon the defendant-respondents, prior to opposition's filings of "Fact and Law" on March 17, 1986, in both CV84-2540 and CV84-2541, with pages of distortions and misrepresentations and again without copying petitioner in either case and all such filings affected both cases and subject cases. Petitioner was not copied with these filings before 1987, after counsel filed a supplement of fact and law in 2541 and which clued her at which time she asserted herself and Brandt forwarded 18 unnumbered pages with distortations and misrepresentations in CV84-2541 (but without the attachments referred to which still have not been made available to petitioner, all of which affected both cases and which had been furnished to the Judge without copying petitioner before he granted summary judgment with full pre-

judice to her rights without a hearing or trial in CV84-2540, and prior to denying her motion for injunction in CV84-2541. As to his filings of March 17, 1987 in CV84-2540, counsel did not copy petititioner before Feb. 1987, upon her request and months after Bearb et al had obtain Summary Judgment . . . . See LFB's affidavit to Fifth Circuit of May 4, 1987. A 213 through A 219. See Decisions by Judge Shaw in CV84-2540 of April 13, 1986 and of May 15, 1986 A 47 through 51-B. See pleadings in subject case A 160. (She did not concede only damages were to her reputation.)

These unconscionable denials of procedural due process are important as to subject cases because the defendants in related cases (and those they conspired with to deny her due process by discrediting her) had told the Court that her complaints were all in her mind while they made misrepresentations to the Judge without copying her and again blamed the victim secretly as in the false forgery they kept secret from her for many many years!

Further, in 1987, after petitioiner learned of the filing of misrepresentations and distortions in both cases without copying her, she was before the Fifth Circuit in CV84-2540, and in CV84-2541 as to her Motion for Injunction, and in subject cases CV86-0489 (86-4797 and 86-4798) she tried to supplement the record to enter rebuttals of the misrepresentations but she was denied in all cases. As to CV84-2540, the appeal was first denied on the grounds that petitioner had not filed proper Notice but was reinstated when petitioner showed she had indeed but that the Clerk had not shown the Notice in record as was also true in subject case and with other filings she made. See A 11-13.

The Fifth Circuit affirmed the District Court's ruling but without prejudice to petitioner filing a state tort claim which she has done in State Court in Opelousas and which the opposition is trying to have dismissed in CV84-2540. A

$2,500.00 bond was asked of petitioner before she can pursue due process but her brother's bond in unconscionable claim attaching her remodeled farmhouse and over four acres for $100,000 was only $250.00. As to CV84-2541, her motion for injunction was not heard orally but denied inspite of impressive facts. CV84-2541 was very closely related to CV84-2540 (had been consolidated for trial) and the Judge was in a position where he had to rule against her in that case to support his prior decisions after secret misrepresentations, and he did just that after a bench trial where she was not allowed, for the most part, to go into what transpired and enter the rebuttals to secret filings without copying her, and the Judge incredibly copied from opposition's secret filings in his opinion of fact and law and which case is being appealed before the Fifth Circuit in view of the unconscionable denials of due process at trial and of procedural due process prior to trial, etc. The Judge ruled on matters which were not in the case, denying petitioner any access after defendants had admitted under oath she had access, deeds recorded, petitioner's property was enclosed at the time. Economic losses petitioner took in view of agreements ignored. Defendants had secretly planned to destroy the road for years while they mislead petitioner into believing she would have full use of it, and then inspite of losses she took in view of agreements, they destroyed the limestone road and obstructed the public and private drainages, etc. It is clear from their secret filings of March 1986 that they were trying to get the property back but petitioner cannot attach because Fifth Circuit did not let her supplement but her rebuttal filings are at Fifth Circuit.

As to the subject cases in which petitioner had pleaded a fraudulent scheme to take unfair advantage of her in business deal, to discredit her to deny her due process in related cases, one of the reasons petitioner was not copied with March filings of 1986, was because their distortions and misrepresen-

tations gave petitioner's complaints in subject cases more merit — Petitioner cannot obtain justice in subject cases before she has fair trial in related cases which subject complaints derived from, and discovery in subject cases.

After petitioner filed subject cases and sent interrogatories to Defendants-Respondents, Ally, E.J.Faul, Lois F. Bearb and Izena Kidder, her interrogatories were not answered but E.J. Faul and Mr. Brandt ignored the prior Court orders and filed a motion to evaluate petitioner before a *different* Judge based only on Mr. Brandt's one-page motion and petitioner's pleading instead of answering interrogatories and E.J. Faul sent her interrogatories re her child, A 117-120.

Note that petitioner had expressly stated in her pleading that she "was not placing her health in controversy." (See A 181). A 47 shows the Judge had already admitted damages to petitioner's reputation in cases subject case derived from. A 67-75 are copies of letters she wrote to Judge Walters prior to his granting motion for mental evaluation.

Petitioner was completely denied discovery, including for the second and third sets of interrogatories which were not covered by the Court order. The Court granted summary judgment with full prejudice to Ally and Faul Energy and the other defendants obtained dismissal because petitioner did not go to E.J. Faul's psychiatrist in Louisiana in view of his prior threats etc. (see factual background), the mental evaluation was requested to try to justify prior criminal abuses and to try to obtain petitioner's property, and respondents knew that petitioiner had ruled out the mental problems by volunteering for evaluations and testings and which also proved she does not need treatments. The Court (Fifth Circuit) affirmed as to Ally and Faul Energy but reversed as to the other defendants but has denied petitioner any discovery whatsoever and would have petitioner go for mental evaluation requested by E.J. Faul while he is attaching her property that he and

the other heir respondents had prior plans to obtain before they sued her in 1983, which suit was really to stop her from biding on improvements at the time.

ADDITIONAL FACTUAL BACKGROUND

It's important to inform Court that this petitioner has sworn under oath that she never committed forgery nor any crimes — nor did she ever tell anyone that she had committed forgery nor in any way did she indicate any such thing. The false forgery was kept secret from her for many years (including by Dep. Bearb) who was trying to obtain her property when *he trespassed on her property in St. Landry* on 3/23/84 and accused her of same. They have admitted that they never saw any forgeries when confronted in 1985 under oath. The only person who indicated such a thing petitioner learned in 1985 "affidavit" was her sister Izena Kidder who has been treated for prescription drug addiction. Kidder did not want petitioner at the home of her parents after petitioner's daughter was born out of wedlock many years ago; she harassed and created problems and denied petitioner the affidavits many years ago as shown by letters to and from the D.A. in the record and other earlier documents but conspired with Bearbs and Fauls in 1985 and they submitted trumped-up affidavits. Even she admitted she has never seen any forgeries, and she admitted in 1985 she was trying to have the petitioner treated in 1972, after her child was born. A young niece who saw the problems she created in 1972 and who offered to testify that petitioner most definitely did not strike her sister, said that after her name had been listed in related cases Kidder went to frighten her out of testifying. She was the only person who witnessed Kidder's actions in 1972, but petitioner had left the home of her parents twice before to run away from her and she has not visited her since the '60's.

Petitioner has been the victim of fraud and forgery when

two initials were forged on a contract she never saw by a lawyer who she prosecuted pro se and won but he was in bankruptcy and she was left with undischargeable debt. She had hired him as lawyer.

Note defendant Gibson left off the report petitioner had called in about Dep. Bearb falsely accusing her of forgery and the signed for letter to Sheriff of Acadia is strangely missing.

Please see rebuttal affidavits which were filed in record for its too costly to reproduce all the attachments. The petitioner's husand's affidavit attached at A 121-122 rebuts the affidavit of Melody Faul, E.J. Faul's daughter who stands to gain from her father's actions and A 130 is a copy of a letter petitioner had written to E.J. Faul's first ex-wife Nellie after Melody's visit in 1977. Petitioner's rebuttal are also in record, including of Gibson's untruths. He does not know her.

The respondent's heir relatives work in concert and used past abuses when petitioner had money to buy property which they all had a chance to bid on. They have not been in petitioner's home in Va. and she has not been around them in years and has earned her living as an administrative secretary-bookkeeper inspite of them. They knew the petitioner had submitted to complete mental evaluation several years ago after she had been sick in the La Salle Bldg. (later condemned) from toxics verified by others and a heart injury and prior history of deydration, etc. had been ignored by goverment affiliated doctors who had never seen her before cardiac care. Petitioner had informed her family that the doctors in private care who fully evaluated her later and tested her verified she did not have mental problems and did not need treatments but as late as 1986 respondents mentioned treatment plans without regard for her personal, martial, or privacy right and refused to answer questions as they tried to obtain her property with more secret processes. Respondents were using past

abuses — false secret forgery kept secret from her for many years and used to justify *unwarranted* treatment and careless mistakes and problems of others only *many* years later to try to obtain her property.

REASONS FOR GRANTING WRIT

Although the Fifth Circuit reversed in part it completely denied discovery as to all the defendants and there is no way petitioner can obtain justice without discovery in view of the years of abuses and secret processes. Only the first set of interrogatorires were protected by Court order and the Court needs to reverse the findings of the lower Court as to the first set of interrogatories also because the Court is mistaken that petitioner made no efforts to obtain answers from counsel as shown at A 80 she wrote Clerk and opposing counsel in efforts to get answers. Also, as shown at A 141 through A 146 (and by her Jan. 1985 answers in record), eounsel for the opposition had taken the opportunity of the March 5, 1985 settlement conference to distort what petitioner said over the phone to try to make her fit Ally's long-distance label report of the following day and petitioner was afraid that he may try that again so she wrote to him instead of calling him. See A 152-159, A 138-140.

The Court needs to reverse as to all of the other interrogatories she sent to the defendants after April 19, 1986, because not any of them are protected by Court Order and as shown at A 76 through A 86 petitioner had sent certified letters to counsel in efforts to remind him to have his clients answer interrogatories, and she had in fact left word with his secretary but there were no answers to any interrogatories from the defendants. See A 76, A 147-48. Tried to obtain all filings before S.J.

The Court needs to reverse as to the summary judgment for psychologist Ally because the lower Court is mistaken.

As shown in the record in Ally's 1985 report of March 6, Ally represented the statements as sworn statements on which he based his report and they were not sworn to before March 20, 21, 1985, and designed to fit the long-distance label. Only afer he was sued in 1986, Ally presented an affidavit and deleted the word sworn and tried and succeeded in avoiding due process by citing such things as public policy considerations and overtreatments! Court mis-represented statements as affidavits in May 9 ruling A 16 inspite of pleadings. Court told of denials, warnings by other Court in petitioner's answer to motion in record.

The Court needs to reverse as to Ally because there are established clinical procedures to arrive to such a label, all of which this petitioner had already volunteered for and which verified that she does not, and could not have had the problems in retrospect — a person has the right to the right treatment which means being certain of it before writing it down as to a person he has never seen, and who he does not know, and who lives in Virginia with her husband. Ally is paid by respondents in Louisiana she has not been around in many years and who were trying to obtain her property.

The Court needs to reverse as to Ally because Ally knew he was giving this report to a lawyer who was representing the defendants in an estate case and violations of civil rights suit and that lawyers use such reports. The government uses such hypothesis and all sorts of things flow from them. The available facts in the record show that the defendants did use the report and wrote the Judge who ruled on the cases that "Dr. Ally stated that petitioner suffered from the chronic psychological order most consistent with schizophrenic paranoid type" and without copying petitioner as explained herein and counsel also wrote the Court that in view of the report by Ally and the "sworn statements" petitioner suffers from this "mental disease or defect" — no hypothesis was men-

tioned then but the Court was informed that her complaints were in her mind which resulted in undue discrimination and denials of due process and additional secret filings with serious misrepresentations in March 1986 which affects all cases.

The Court should reverse as to Ally because Ally refused to answer *any* interrogatories including re the Court ordered settlement conference of March 5, 1986, the night before Ally described petitioner's speech in his March 6, 1986 report. See A 35 the Court's Ordering of a *settlement conference* over the phone between opposing counsel Brandt and this pro se plaintiff-petitioner. Settlement conferences are private and confidential not to mention the violation of wire tap laws and privacy and personal rights. The Court had already ruled that petitioner had not placed her health in controversy, and respondents knew petitioner had ruled out mental problems by volunteering for testings, etc. Ally refused to answer if he had read complaints. What about discarded affidavits by their counsel-burned documents? A 55 and A 131.

The Court should reverse as to Ally because he ignored all required clinical procedures prior to his long-distance label and it was used by the respondents to petitioner's detriment and to deny her due process for their fraudulent scheme to take unfair advantage of her in business deal and to cover up the actions and secret processes of the respondents of many years ago for secret unwarranted treatments. As late as 1986 in subject cases their counsel wrote as to treatment plans for petitioner without regard for her personal, privacy or martial rights.

Of most importance is that the Court prohibit such long-distance labels in efforts to spare others of such unnecessary years of abuses. Petitioner has been made very vulnerable to those without integrity and the abuses have increased since Ally's long-distance label.

The case should be reversed as to Ally because petitioner requested and pleaded that Ally be enjoined from having anything to do with this petitioner who lives in Virginia who he has never seen but was paid to write a long-distance label. See Petitioner's husband's affidavit at A 121. The Court misstated from petitioner's pleadings at A 16 on May 9,1986. Any keeping of medical records, treatments or overtreatments as defendants indicated in filings are criminal matters.

As to Faul Energy, the Court's decision should be reversed because at A 28 on Oct. 8, 1986, Judge Walter granted summary judgment because "plaintiff had answered in part that E.J. Faul is the Faul Energy Co." Charles Goss, then president of Faul Energy, had submitted an affidavit saying that E.J. Faul was just a small stockholder in the Company. However, after refusing to answer the interrogatories, including those not protected by Court order and re the Faul Energy see A 103-4, A 87-88 and A 155-6, on Aug. 3, 1987 in CV84-2541, related estate case which subject case derived from, E.J. Faul testified at pg. 203, L-18, ". . . I had a little company by the name of Faul Energy, Inc. which I sold and did some —" and on cross at pg. 227, L-4 through 6 he testified: A 29.

Q. "When did you have the Faul Energy Company?"

A. "It was in either '82 or '83. Let's see, probably '84, 1984".

Note that petitioner had filed related estate suits in 1984, the year he now admitted to selling Faul Energy.

Prior to Nov. 26, 1983, petitioner was joint owner of the entire Faul estate her father having died in 1980. Note the interrogatories E.J. Faul refused to answer in all three sets to him the final two not protected by Court order. Petitioner did submit facts linking E.J. Faul to Dr. Ally because E.J. Faul submitted "affidavit" sworn to two weeks after Ally's

report but which Ally had represented as sworn and counsel Brandt on March 25, 1985, had included the "affidadvit" of E.J. Faul in the affidavits Ally had reviewed to support their assertion to the Court "that the petitioner is suffering from a mental condition known as schizophrenia, paranoid type. It will be the contention of defendants that the allegations which have been made by plaintiff are a direct and consequential result of the mental condition of the plaintiff and not the result of any activities by defendant." This four page filings in both CV 84-2540 and CV84-2541 were filed in subject case. E.J. Faul owned the Faul Energy during several years of the estate problems. Too, the Court refers to an alleged defamatory scheme in the order. Note that their "scheme was to take unfair advantage of plaintiff in business dealings concerning estate property" and then "they published and circulated the false and discrediting information which they produced and solicited in bad faith, and knowing it was false to pursue their scheme. . . ." A 160.

It is important to note that their scheme goes back to before they sued her the first time to keep her from bidding. They gave petitioner deeds they expected her to turn down and after she sued them they discredited her to deny her due process as aforementioned and which served them quite well, secret filings show they were trying to get the property back which is the same property E.J. Faul has attached. Petitioner filed subject suit in March 1986 and Faul Energy and all defendants did not admit or deny before August 1986 after adverse rulings to petitioner without hearings in related cases where secret misrepresentations had been made to the Judge without copying her. (Petitioner was left with no road at all inspite of the economic losses she took in view of agreements and her estate was enclose at the time and there is .60 acre unaccounted for in the estate, not to mention her property

being flooded since 1983. She had much invested in the limestone road which would cost $20,000 to replace.

The Court needs to establish that a pro se person has a right to be taken seriously as is assured by the Federal Code and prior case law, and that Judges have statutory responsibilities re pro se persons also and to look into complaints made as shown in the record. In subject case the facts show that opposing counsel was allowed to communicate with the Judge and forward copy of letter from Magistrate in related cases when petitioner was being denied discovery but when petitioner wrote the Judge to rebut and enclosed copies of letters showing what had transpired A 58 through A 65, and copies of letter of opposing counsel's misrepresentations to the other Judge in related cases and rebuttal A 141 through A 146, the Judge returned petitioner's letter, etc. with an order A 57 not to communicate with him, while counsel was allowed to continue to petitioner's detriment in view of geographical problem. Counsel's letter to Judge was on June 12, 1986 and Judge denied her motion for reconsideration re mental evaluation on June 13, 1986.

The Court needs to establish that it was wrong and additional denial of due process for the defendants in cases which subject cases derived from and which affects subject cases, to file secret distortions and misrepresentations without copying petitioner prior to rulings very adverse to her while they told the Court her complaints were all in her mind — and the fact that after she was finally copied many months after the fact with some of the filings — the Fifth Circuit did not let her file supplements to rebut the untruths including in subject cases. (To show petitioner was not copied she attaches the final pages only of opposition's secret filings. A 133 through A 137. Files were made available to her by Fifth Circuit when she requested certain specific copies but this

was after rulings adverse to her as shown by the record. The Fifth Circuit quoted the FRCP and ARCP requiring that counsels copy petitioner prior to rulings. (Attachs. not in files.) Secret untruths filed shows they were again making her victim and they were trying to obtain her property.

The Court needs to address the misquotes and mis-statements of the Monroe Court as to petitioner's pleadings in subject cases and re the rulings of the other Court which subject cases derived from because as shown by the Court's ruling on Feb. 20, 1985, it was not a Court ordered psychological evaluation in related cases, it was a settlement conference A 39 through A 44 in those cases denying the defendants three times. A 16 shows that on May 9, 1986 subject Court misrepresented settlement conference as a Court ordered psychological examination, mistated as to affidavits which were not sworn, and referred to her medical records being expunged when Ally nor no one in Louisiana has rights to her medical records — he has never seen petitioner and she never sought his services. Further petitioner's pleadings show that petitioner did not plead any such things but the Court denied her motion to make corrections, A ~~208~~ 20-21. Note that the mistatements on the Order of May 9, 1986 were prior to the Judge granting E.J. Faul's motion for mental evaluation of petitioner and her letter to the Clerk of May 7, 1986 with copy to Judge Walter A 74-5 with the results of her mental evaluations and testings (objective scientific facts) prior to his granting the June 2, 1986 motion for mental evaluation and her letter to Judge of June 9, 1986, with cc to Clerk prior to the Judge's denial of her motion for reconsideration on June 13, 1986, A 67-73.

The Court needs to address the fact that respondent E.J. Faul and his counsel (Brandt) ignored the prior Court orders in related cases when the Court warned all parties of sanctions etc. for harassment by embittered relatives. Facts in

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record of subject cases show that Brandt had submitted his own affidavits for first frivolous motion for mental evaluation of petitioner although he had never seen her instead of addressing her provable complaints and that respondent E.J. Faul had submitted an "affidavit" on March 21, 1985 to support the long-distance label of March 6, 1985 (but also misrepresented as sworn by Ally), and which was also found to be frivolous with the warnings. Facts show that instead of answering interrogatories sent to Respondents E.J. Faul, Glenn A. Ally, PhD, Lois F. Bearb and Izena Kidder on April 19, 1986, E.J. Faul again filed for her mental evaluation based on her pleadings (although she had expressly pleaded "that she was not placing her health in controversy," no interrogatories were answered by any respondents (not even the unprotected ones) E.J. Faul sent petitioner malicious interrogatories re petitioner's child born out of wedlock (and her Father) many years ago as shown at A 117 through A 120, his motion for mental evaluation was granted inspite of prior orders made available to this Court, the fact that the other Court *had already admitted damages to her reputation,* and inspite of E.J. Faul's 1981 "plans" to take over estate before he sued her the first time and only let back in those he wanted to, his 1981 statement over phone during estate matters that he knew a doctor in Lafayette who would help him put her in an institution if she came to Lafayette (see her rebuttal affidavits in record) and interrogatories E.J. Faul refused to answer A 87-8. Court also ignored the fact that harm would come from such an evaluation in view of E.J. Faul's prior malicious plans, his having been institutionalized for alcohol addiction and petitioner was told in 1986 that he was jailed for making serious threats to his second ex-wife. (See 155-7, A 103-4.)

The Court needs to address these matters because the lower Courts ignored the fact that what E.J. Faul and the family respondents wanted all along was to deny her property rights

in La., and in fact to obtain her property and to discredit her to deny her all due process. Petitioner had informed the Court that subject cases could be proved by open and fair due process in related cases and that subject cases could not be decided before after due process in other cases. Instead petitioner was left with summary judgment etc. . . no trials, no hearings in CV84-2540 and Sheriff Ken Goss testifying that everybody is treated differently, no investigations and the signed for letter she hand-carried to the Sheriff is strangely missing, not being copied by counsel for sheriffs as explained in record (briefs and reply briefs made exhibits in subject cases — see list at A 184 through A 201), and in fact counsel for respondent Gibson did not copy her with copy of a filing in subject case but when she inquired he had his secretary write *saying* what he had filed instead of enclosing copies as required by FRCP and ARCP.

Petitioner's rebuttal affidavits in record shows that she did not go to college in Louisiana because E.J. Faul had to stop and drink beer with his buddies after school while she ironed his clothes on week-ends, it shows further that years ago he wrecked her car while drinking and did not produce one penny to fix it, it shows of his "plans" his problems, and now he has attached her property after her husband was asked to sign off his communitiy rights. E.J. Faul has undergone two costly divorces since 1986. Petitioner made several trips to remodel the old place and spent $30,000on improvements and she is making a home for unwed mothers where a woman who finds herself pregnant can go to learn typing, shorthand, bookkeeping, office and administrative procedures, cooking, interior and exterior designs to become independent and all without any government funds or treatments. A Georgetown doctor who works in ethics published about government profiling of women who have children out of wedlock to encourage abortion including going into their medical records without

their consent and not giving them the opportunity to correct mistakes. Facts available show that petitioner's Mother's estate was not properly handled — the attitude of her respondent brothers and Dep. Bearb is that of *patria potestas.* Petitioner has a right to own the property she paid dearly for without such harassment for years so that she can pursue her goals and dreams and leave the world a better place than she took it. The Court needs to address the fact that the lower Court ignored the fact that petitioner had requested that the respondents be enjoined out of her life and property so that she can pursue life, liberty and the pursuit of happiness and her goals to help others.

The Court needs to address the fact that the petitioner was not provided with a copy of the brief she was informed the government had filed before the Fifth Circuit with an opportunity to respond and be heard. The government does not enjoy such integrity that it can deny such rights. In *Inslaw vs. U.S.,* 1987, a federal bankruptcy Judge ruled that the Justice Department used "trickery, fraud and deceit" to steal a computer software program and then attempted to drive the company out of business. In *Bowen vs. City of New York* in 1986, the High Court ruled against the secret actions of the government and for mental patients in a class action where they were denied rights due to government's secret actions.

The Court states in order that the record in this case itself indicates the need for such an evaluation. However, the Court refused to say what in the record and allow the petitioner an opportunity to be copied and to respond, which is a denial of due process. The Court needs to address this and the fact that when Judge Walter granted E.J. Faul's motion for mental evaluation in subject case he had no statements or affidavits, only E.J. Faul's counsel's one-page motion based on her pleadings. Petitioner was informed that there were no other submittals. In addition to their ignoring the prior Court

orders the Court needs to address the fact that the Court is showing undue discrimination toward this petitioner, a woman, as compared to the way the Court in Western District protected Deputy Bearb in related case in his frivolous counterclaim which certainly would have required mental and physical examination but petitioner's motion supported by her affidavit, as shown in the record in subject case for comparison, was left pending for months and never ruled on inspite of reminders, the fact that his counsel discarded his affidavit because it did not contain allegations of fact; Respondent executor Leslie Faul was not evaluated inspite of having threatened petitioner with a posthole digger if she went on his property but he sent people on her property and the fact that her motion to evalute E.J. Faul in subject case supported by her affidavit was also ignored.

The Courts are not exempt to undue discrimination and the Courts of Appeals have held regulatory agencies to the standard of reasoned decision making. The Court should hold the lower Courts to no lesser standard.

The Court needs to address the fact that the Fifth Circuit ignored the fact that the affidavits were not sworn but that they were represented as sworn, and that petitioner had pointed out that they were ignoring rules 56(e) of FRCP. "Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence. . . 56(g) "Affidavits Made in "in Bad Faith. . . at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused. . . and may be adjudged guilty of contempt." A 124 shows the fine of $150.00 paid by the respondents for same affidavits which were rejected by the other Court and A 42 shows the warn-

ings for such future abuses. Many of the misrepresentations in affidavits were hearsay; the sworn to distorted untruths of years ago which they did not even see after petitioner and then her lawyer had been denied these affidavits many years earlier and which were used in 1985. This is unconstitutional. Why didn't they come up with "affidavits" before she had money to buy property. FRCP 60(b)(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party" justifies "Relief From Judgment or Order. No affidavits were presented in support of motion for mental evaluation in subject case—all of the "affidavits" this Court later reviewed for summary, default judgment and for sanctions, had been rejected by the other Courts in the Western District except the one by Dr. Ally in which he "fixed it" and left out the word sworn to protect himself after he was sued but his March 6, 1985 famous unsworn report shows he represented the affidavits sworn and he described petitioner's *speech* on the day after the night of the court ordered *settlement conference.* Judge Walter was given an affidavit by Charles Goss, president of Faul Energy as petitioner had represented. Ally's report of 3/6/85 was rejected by other Court.

See Judge Walter's order at A 27 where he writes hypothesis cannot be proved false. Petitioner believes hypothesis can be proved false and *knows* Ally's hypothesis can be proved false because she has the objective scientific facts from proper professionals who fully evaluated her and tested her while Ally has never seen her-all of which the Court was informed of. Why should petitioner have to live with the taint of Ally's careless negligence which he was paid for while the objective of respondent relatives was to obtain her property. When she and husband were in Cairo in 1984, the firm of McNeil Walter called to buy her property. Unkind message left on tape. She has never talked with them.

ARGUMENT

The basis of this case is really about greed, addiction problems the abuse of psychiatry and years of secret processes and denials of due process. *The Fifth and Fourteenth Amendent* assures the right to liberty and property and to be free from false defamation, including by government officials, (including false forgery etc. to justify unwarranted treatments). In *Poirier v. Hodges, D.C. Fla. 445 F.Supp. 838. was established that "the right protected by 42 U.S.C.S.* 1 1985 (3) against discriminatory private conspiracies is the right of every person not to be victimized by another's illegal behavior, i.e., the right to be free from being a victim of independant illegality." Additionally, no one did anything to attempt to restore the damages to the reputation and in the life of the petitioner both personally, and among the persons to whom the misrepresentations were known. *Gillespie v. Civiletti,* 629 F.2d 637. Instead they again blamed the victim with more false secret processes. The Fifth and Fourteenth protects petitioner against the misrepresentations and hearsay misrepresentations in the "affidavits" which had been denied to her years ago by relatives she had not been around in years who wanted her property and to deny her rights. FRCP 56(e) (g), and 60(b) 3 also protects against this.

The Fifth and Fourteenth also protects petitioner from being treated differently as does the *Rehabiliation Act of 1973 (Section 504)* against perceived or engineered handicaps, as does *Rule 17(a) (b) and (c)* of the Supreme Court rules for granting this Writ because Judge Shaw of the Western District protected Deputy Bearb from mental and physical evaluation for his frivolous counterclaim and Judge Walter of the Western District granted E.J. Faul's motion on petitioner's pleading inspite of prior orders denying, fining and warning them and petitioner had expressly stated she was not placing her health in controversy. (Her motion to evaluate Bearb was pending for nine months and never ruled on inspite of re-

minders—Dep. Bearb was protected inspite of his affidavit being discarded by his counsel—not factual A 55-6). Bearb pleaded extreme mental anguish. (Impossible — see affidavit in record.) Lawyer she hired later admitted he had thought up allegations in counterclaim.

The Court has protected the rights to make contracts and employments in *Meyer vs. Nebraska 262 U.S. 390; Wisconsin vs. Constanianeau 400 U.S. 433.* Those plaintiffs recovered under liberty rights of the Fifth and Fourteenth in subject cases. Petitioner had a right to depend upon the agreements of the defendants for the use of the Faul Limestone Rd etc. which Dep. Bearb and other respondents ignored, destroyed road altered and covered up private and public drainages resulting in on-going floodings and "taking" of her property and further she had a right to know of their secret plans since 1981 to destroy the road upon which they where assuring full access if she took losses and signed the partition when they sued her the first time. In Virginia that is called fraud, not to mention the fact that in secret filings in March 1986, they clearly were trying to get the property back with misrepresentations and which property she had paid $38,800 for plus $30,000 on improvements. The Supreme Court protected property rights under the Fifth and Fourteenth in *Bd of Regents vs. Roth 408 US 564.* The Court expanded due process rights in *Aligeyer v. La. 165 U.S. 578.*

In Katz v. U.S. 389 U.S. 347, (1967) the Supreme Court overruled the Court of Appeals and found that electronic listening and recording device outside of the public telephone "did not comply with constitutional standards" because the *Fourth Amendment* protects people and not simply "areas" against unreasonable searches and seizures. . ." In subject case Dr. Ally had no right in any way to be a part of the Court Ordered settlement conference of March 5, 1985, nor to describe this petitioner's speech the next day in his report—

settlement conferences are private and confidential—and it was not a court ordered psychological examination as this Court misrepresented on May 9, 1986 at A 16. See Feb. 20, 1985 order at A 35 and denial orders at A 39 through A 44. See interrogatories Ally refused to answer A 152 through 154, and interrogatories counsel Brandt refused to answer in all cases in the record.

In Vets of America vs Chemical Companies 1987, the Court (Fed. N.Y.) ruled that protective orders had to be released because of the Vets' concerns for misrepresentations being made to the Court. Gross misrepresentations made in subject and related caes, and without copying her.

There are also family rights involved and protected by the Constitution, privacy rights, martial rights and the right to travel. *Jones vs. Helms 452 U.S. 280,* Marriage rights were protected in Boddie vs. Conn. 401 U.S. 371. Note that in subject case the petitioner's husband at A 121-2 said in his affidavit that he had not sought any treatments for his wife, and that further the professionals to whom she had volunteered for complete evaluations had not recommended any treatments and had in fact rule out the mental problem. Note that her husband is a very highly educated professional, a Jew who was asked to sign off his community rights which he did to try to lighten her load inspite of the fact that she could not have bought the property without his gifts, but Dep. Bearb, an in-law with eight grade education did not sign off anything but was accusing her falsely of forgery, etc. kept secret from her for many years because he wanted her property and the secret brief filed even cited custodian laws which in itself would be an outright crime and "taking" of rights and property by a cop whose affidavit had to be discarded and whose papers mysteriously burned. Bearb had no right to petitioner nor her property — not for public or private

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use. In *First English Evangelical Luthern Church of Glendale v. Co. of Los Angeles, Calif. 1987. S.C.* protected property rights against even temporary "takings" and that included for floodings by covering up public and private drainages etc.

In *Goss vs. Lopez 419 U.S. 56,* the Supreme Court has relied upon procedual due process for liberty and, property rights and established that hearing before unbiased Court was necessary, that the right to a fair trial is protectable interest and that sufficiency of due process clauses requires hearing notice. "Neither the property interest in educational benefits temporarily denied nor the liberty interest in reputation is so insubstantial that suspensions however arbitary-can be ignored." In subject case the denials of precedual due process are unconscionable and were used to cover-up their fraud and deny due process as they used the denials of procedual due process of many years ago which were used to cover-up secret unwarranted treatments with false forgery kept secret from her for all those years during which time she had to earn her living as a secretary-bookeeper and which false accusations petitioner will have to live with until the end of her life in any future undertakings. The rights to due process were also protected in *Chambers v. Fla. 309 U.S. et 1940* and against such secret processes.

In *Rogers* a 1978-79 Massachusetts class action, Judge Tauro found that by state law, involuntary treatment save in narrowly defined emergency circumstances, constituted a violation of privacy, and that the First Amendment rights protecting the communication of ideas were violated. "Whatever powers the Constitution has granted our government, involuntary control is not one of them, absent extraordinary circumstances." The law was established in *Rogers* theat even patients retain liberty interests protected directly

by the Consitution. This petitioner had ruled out the mental problems by proper doctors by volunteering. The Court rejected arguments by APA and others that commitment and involuntary treatment are synonymous, and that states interests favoring forced treatment over nontreatment include patients' needs, thereapeutic milieu, prevention of violence, efficient use of limited resources, protection of professionals etc. In *Vitek v. Jones,* the Supreme Court ruled in 1980 that a constitutional line is crossed when treatment is forced even in mental hospital.

In the 70's other court rulings found that some medical approaches violate the Eighth Amendment. Professor Michael Shapiro also published that "certain therapies violates a patient's privacy specifically First Amendment rights protecting freedom of mentation. Dr. Thomas Szasz published that "physicians who interfere with their medical patients' autonomy by treating them involuntarily are guilty of an offense, punishable by both civil and criminal statutes." In view of her scientific objective facts showing that she does not have the problems and that she has never needed treatments, and which the respondents were informed of, petitioner would inform the Court that thus is the reason why the respondents refuse to answer the interrogaties. Dep. Bearb indicated that this petitioner had received treatments generated by Respondents Izena Kidder and E.J. Faul both of whom were institutionalized for addiction problems and denied due process for years and which Bearbs were using in 1985. That petitioner had a child out of wedlock was not grounds for treatments or years of torments and harrassments—what about their addictions resulting in institutionalizations. The petitioner gave life, the results of her psychological tests which "looks under the mask". her husband's affidavit, and that of Joanna B. Miller who has known her since junior high school verify that this petitioner is a kind, caring person.

As to the Medical Malpractice Panel, it has been found to be unconstitutional in Pennsylvania, Florida, Illinois, Virginia, and other states and it is not necessary to go before a panel of buddies who support each other 85% of the time to know that a psychologist who does not know you cannot make that kind of long-distance label, represent unsworn statements as sworn, describe your speech after settlement phone conference which was private and confidential.

CONCLUSION

This petitioner has earned the right to be left alone and in view of years of secret processes and harrassment her only recourse is the Courts. Petitioner should not be robbed of her dreams and goals for which she feels so strongly about and and she cannot pursue those goals and dreams-to help others unless she can obtain due process and the respondents are enjoined out of her life and property. There is much need for such a home in Louisiana, and although her home is ready she has not been able to let anyone go there due to access problems and the unconscionable actions of the family respondents.

Petitioner prays that the Court will grant her Writ and assure complete discovery and that the case against Dr. Ally and Faul Energy will be reversed to be tried with the other respondents. Petitioner prays further that the Court reverse the Court's order for mental evaluation in view of the results of past evaluations and testings which she volunteered for. A 67-75, and the fact that Court has shown undue discrimination toward her as compared to Dep. Bearb who was protected as were E.J. Faul and Leslie Faul. Also in view of fact that first court already admitted evidence shows damages to her reputation. She can prove their fraudulent scheme if given due process. Petitioner prays further that the Court's order denying discovery be reversed, that all the interrogatories be

answered and that information denied to her be provided with an opportunity to respond. She cannot prosecute her case against any defendants if she is denied discovery and the years of secret proceses and crimes are covered up. Treatments violated Eighth Amendment. See affidavit A 202. "Affidavits" of respondents contain serious untruths and hearsay/denied years ago while secret processes and crimes are covered up.

Respectfully submitted,

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I certify that a copy of the foregoing has been mailed via first class mail on this the ____ day of _____, 1987 to Charles Brandt, Esq. 300 B Stewart St., Lafayette, La. 70501, and to Homer Ed Barousse, Edward Building, P.O. Box 730, Crowley, La., 70526.

Louella F. Benson

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